



December 2, 2010

Ms. Paula Hammond
Secretary of Transportation
Washington State Department of Transportation
P.O. Box 47300
Olympia, WA 98504-7300

Re: *Alaskan Way Viaduct Replacement Project*
SEPA Co-Lead Role Clarification

Dear Secretary Hammond:

As we move toward issuance of the Final Environmental Impact Statement for the Alaskan Way Viaduct Replacement Project, it is important that the Washington State Department of Transportation and the City of Seattle Department of Transportation have a clear understanding of our respective roles in this process. To date, and through the long history of this project, our departments have worked together without any written agreement defining our relationship as "co-lead" agencies under the State Environmental Policy Act. Events surrounding the recent issuance of the Supplemental Draft Environmental Impact Statement in September, however, demonstrate that there may have been some uncertainty regarding our respective roles. The purpose of this letter is to clarify these issues.

Lead/ Co-Lead Agencies

WSDOT is the nominal lead agency for the project, and is responsible for complying with the duties of the lead agency under SEPA. The City is a co-lead agency, with rights and responsibilities defined by our agreement as reflected in this letter. *See WAC 197-11-944.*

WSDOT Responsibilities

WSDOT is responsible for providing all required notices, holding required public meetings and providing any other required opportunities to comment, for preparation of required documents, for making all required filing and publications, for defending any administrative and/or court challenge to the adequacy of the environmental documents, at its sole expense.

WSDOT will consult with SDOT with respect to the content of the FEIS as it is developed, the response to comments, and any public outreach related to the Project. WSDOT will strive to resolve comments in a manner that is mutually agreeable to the parties, before the completion of the documents.



WSDOT will promptly provide access to all information, data and studies reasonably available to WSDOT regarding the Project.

SDOT Responsibilities

SDOT is responsible for reviewing and commenting on drafts of the FEIS, responses to the public comments, and any public outreach, within time frames agreed by the parties.

SDOT will promptly provide access to information, data and studies reasonably available to SDOT regarding the Project.

Approvals and Responsible Official

For purposes of SEPA, the Secretary of the Washington State Department of Transportation (or her designee) is the "responsible official" for WSDOT, and the Director of the Seattle Department of Transportation is the responsible official for the City. The responsible official will be solely responsible for any and all approvals on behalf of the respective agency.

Neither party will consider or represent that any document has been approved by the other party unless it has been approved by the responsible official or designee. Neither party will publish any document that bears the name or seal the other party, unless it has been approved by the responsible official or designee.

For the City's purposes, approval of the FEIS will turn on whether it fully explores all reasonable alternatives for completing the proposed action, and appropriately identifies impacts and mitigation strategies.

I believe the foregoing points are consistent with our mutual understanding of our co-lead responsibilities under SEPA. If you have a different understanding on any of these points, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Hahn", is written over the word "Sincerely,".

Peter Hahn, Director
Seattle Dept. of Transportation

cc: Mayor Mike McGinn
Seattle City Council
Bob Powers, SDOT Deputy Director